

Notice of Allowability

Application No.

10/091,773

Examiner

Shawki S. Ismail

Applicant(s)

CLAY ET AL.

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on July 25, 2005.
2. ☒ The allowed claim(s) is/are 1-9,28 and 29, re-numbered as 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10-17-2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


BHARAT BAROT
PRIMARY EXAMINER

EXAMINERS AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and /or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such amendment, it must be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Joseph Swan (Reg. No. 41,338) on October 14, 2005.

3. The application has been amended as follows:

Claims 1, 8, 11-26, and 27 have been replaced with the following amended claims 1, 8, 11-26, and 27.

1. (Currently Amended) A method for communicating between a source and a destination over plural communications paths, said method comprising:

- (a) identifying content to be sent to a destination via a communications system;
- (b) discovering that plural communications paths connecting directly to the destination are available;
- (c) dividing the content into plural different portions;
- (d) transmitting the content to the destination such that each of the plural different portions is routed via a different one of the plural communications paths;

wherein different transmission media are used for different ones of plural communication paths; and

wherein the different transmission media comprises different types of Internet connection.

8. (Currently Amended) A method for communicating between a source and a destination over plural communication paths, said method comprising:

- (a) identifying content to be sent to a destination via a communications system;
- (b) discovering that plural communications paths connecting directly to the destination are available;
- (c) dividing the content into plural different portions;
- (d) transmitting the content to the destination such that each of the plural different portions is routed via a different one of the plural communications paths;

wherein the communication system comprises at least one network, wherein at least some of the plural communications paths are associated with different destination addresses on the at least one network, and wherein step (d) comprises a subset of addressing at least some of the plural different portions to different destination addresses; and

wherein the different communication paths comprises different types of Internet connections.

10-27. (cancelled)

REASONS FOR ALLOWANCE

4. The following is an Examiner's Statement of Reasons for Allowance:

Claims 1-9, and 28-29 are allowable over the prior art of record.

The examiner has found that the prior art of record does not teach or suggest or render obvious a method for communicating between a source and a destination over plural communication paths. The major difference in the independent claims not found in the prior art of record is that communication between a source and a destination over plural communication comprises dividing a content to be transmitted into plural different portions and transmitting the content to the destination such that each of the plural different portions is routed via a different one of the plural communication paths wherein different transmission media are used for different ones of the plural communication paths and wherein the plural different communication paths comprises different types of Internet connections as set forth in the specification and recited in the independent claims 1 and 8.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and , to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

ADDITIONAL REFERENCES

6. The examiner as of general interest cites the following references:

- a. Schroeder et al. U.S. Patent application No. 2005/0152390.

Art Unit: 2155

- b. Matthews et al, U.S. Patent No. 6,084,856.
- c. Bare U.S. Patent No. 6,556,541.
- d. Malek et al, U.S. Patent No. 6,253,207.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
October 14, 2005




BHARAT BAROT
PRIMARY EXAMINER